



W. T. Phy

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636.75

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**This Indenture, WITNESSETH, That**..... W. T. Phy, .....

and Winnifred W. Phy, ..... his wife, for the consideration of Eight Hundred and Sixteen Dollars and other good and valuable considerations, including the conditions hereof.....

to them..... paid, have bargained and sold, and by these presents do... bargain, sell and convey unto the County of Union, State of Oregon, the following described land for road purposes, to-wit:

All that part of the property of W. T. Phy in  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section Four (4) T4S R. 39 E.W.M., within ~~500~~ <sup>500</sup> feet (500') on each side of the center line survey of the Hotchkiss-Union Section of the Old Oregon Trail Highway as surveyed and staked across said subdivision as follows: Commencing at a point where the said center line intersects the W property line of W. T. Phy one thousand eight hundred seventy eight and no tenths feet (1878.0') N. and two thousand five hundred and ninety three feet (2593') W of S  $\frac{1}{4}$  corner of section four (4) T4S R 39 E.W.M. at a point known and designated as station four hundred thirty eight plus thirty five (438-35), thence on a curve bearing to right whose radius is five hundred seventy three and no tenths feet (573.0') a distance of four hundred seventy three and no tenths feet (473.0') to a point which is end of that curve thence on a line bearing South fifty degrees forty four minutes thirty seconds E. (S 50 44'30" E) and tangent to last named curve at last named point a distance of four hundred eighty nine and three tenths feet (489.3') to a point which is the beginning of a curve, thence on a curve bearing to left whose radius is five hundred seventy three and no tenths feet (573.0') a distance of three hundred eighty eight and four tenths feet (388.4') to a point which is end of curve. Thence on line bearing south eighty nine degrees thirty five minutes E (S 89 35' E) and tangent to last named curve at last named point a distance of one hundred forty and five tenths feet (140.5') to a point where the center line intersects the property line of ~~W. T. Phy~~ said point being one thousand three hundred twenty one and no tenths feet (1321.0') N. and one thousand two hundred seventy five and eight tenths feet (1275.8') W. of S  $\frac{1}{4}$  corner of section four (4) T4S R 39 E.W.M. ~~Except that part here~~

It is understood, agreed and stipulated, as a part of the consideration hereof, that the grantee herein, shall, at its own expense, and before occupying or using the lands herein conveyed, build and construct on each side of the right of way herein contained, a neat and well constructed hog tight fence, with three barb wires above the hog wire, such fence to be constructed with new posts, posted and planted not more than 16 feet apart, and such fences also to include a gateway and gate on each side of said right of way, at points to be designated by grantors, and such gates to be made, constructed and installed at the expense of the grantee; all of such construction of fences and gates being a part of the consideration of this conveyance.

Provided however, that the terms and conditions of this conveyance are such that the same is made, executed and delivered upon the express condition reserved to, and subject to enforcement forever by, the grantors, or either of them, or by their heirs, executors, administrators, or assigns, that the land herein conveyed to said Union County, Oregon, for road purposes, shall be improved and used only by using the same for travel in its present condition or by depositing thereon dirt, gravel, or other substances, derived wholly from places other than the lands hereby deeded; that no excavations of any kind or at any place covered by this deed shall ever be made on or in the surface of the said tract of land herein described. It being known to and acknowledged by the Grantee, its Officers and Agents, that the excavation of the present surface, or disturbing the same, in the manner herein prohibited, injuriously affects the valuable property rights of the grantors, in and to certain hot waters below the surface of the adjoining lands now owned by the grantors.

TO HAVE AND TO HOLD the said land, with its appurtenances, for county road purposes to said Union County and the public therein forever, and We, the said Grantors

do hereby covenant to and with the said Union County

that We are the owners in fee simple of said lands; that they are free from all encumbrances except

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 21<sup>st</sup>

day of June, 1921.

Done in the presence of

*Earl C. Reynolds*

*W. J. [Signature]*

(Seal)  
(Seal)  
(Seal)

